

# INDIANA LEGISLATURE.

Reported for the State Sentinel.



## SENATE.

Thursday, December 31, 1846.

The Senate met. Petitions were presented by Messrs. Milliken, Miller, Berry of M., Milligan, Edmonston, and Barbour; all of which were referred without reading.

The President, by consent of the Senate, added Mr. Barbour to the following standing committees: on corporations; on the judiciary; on federal relations; and on the State Bank.

**Reports from Standing Committees.**

By Mr. Read, from the committee on federal relations, concurring in the remarks of his Excellency, the Governor, in his annual message, upon the subject of the Mexican war.

A motion was then made to lay the report on the table and 2,000 copies be printed.

A division of the question was called, and the report was laid on the table.

The question then recurring on the printing, after some discussion the motion to print was withdrawn, and the Senate adjourned.

## AFTERNOON SESSION.

Leave was granted, on motion of Mr. Coats, to Horatio Smith to withdraw certain papers from the State Library.

Mr. Davis inquired if there was no rule prohibiting smoking in the Senate Chamber or the Lobby.

It was thought by the President that the suggestion of Mr. Davis upon the practice would be sufficient to prevent repetition of it.

Mr. Orth moved a call of the Senate; which was ordered, and the absentees sent for.

The Senate then went into the consideration of the bill upon calling a convention to revise the constitution.

Mr. Orth remarked, that in order to give time to senators to examine the measure in all its details, he would move to postpone the consideration of the bill until Monday next.

Mr. Read was opposed to the delay.

Mr. Barbour said he was in favor of a convention, but not being acquainted with the provisions of the bill, that he might have opportunity of examining it, he should vote for its postponement.

The ayes and noes being called, ayes 21, noes 21.

Leave was granted to Mr. Orth to make a report from the judiciary committee, recommending the indefinite postponement of a bill of the House, relative to the explanatory of an act therein named; not occurred in so the bill passed to a second reading.

Mr. Henry moved to take from the table the report of the trustees of the blind asylum; so ordered, and referred to the committee on benevolent institutions of the State.

**Reports from Select Committees.**

By Mr. Handy, amending an act authorizing the removal of obstructions in certain creeks.

By Mr. Verelike, of a bill locating a State road therein named; passed.

By Mr. Winchell, of a bill abolishing the office of justice of the peace in Yorktown, Delaware county.

By Mr. Milligan, concurring in the report of the committee on the petition of the State Bank.

**Resolutions Introduced.**

By Mr. Milligan, as to amending the present capias law, giving a right to issue a capias ad respondendum upon affidavit, in certain cases; adopted.

By Mr. Marsh, that a bill to amend the act on the Butler bill be allowed to employ a clerk; adopted.

By Mr. Morgan, to proceed next Saturday to the election of State printer.

Mr. Edmonston moved to lay said resolution on the table; so ordered.

By Mr. Clements, that the Senate shall not suffer the introduction of any report, bill or resolution relative to national matters; moved to lay on the table; so ordered.

By Mr. Stockwell, on the subject of improving the mail route from the Wabash valley to New Orleans; passed.

**Bills Introduced.**

By Mr. Edmonston, for the relief of the Prosecuting Attorney of the 4th judicial circuit; referred to the committee on claims.

By Mr. Parks, repealing an act incorporating the Morgan county seminary; passed to a second reading.

By Mr. Osborn, a bill repealing an act enabling supervisors to keep open highways; passed to a second reading.

By Mr. Goodenow, a bill relative to a settlement made by the Agent of State; referred to the committee on claims.

By Mr. Montgomery, of a bill amending the 8th section of an act regulating the fees of certain officers therein named; passed to a second reading.

By Mr. Conner, changing the name of the town of Canton, in Tippecanoe county; passed to a second reading.

By Mr. Hardy, to increase the common school fund; passed to a second reading.

By Mr. Montgomery, of a bill amending the 8th article of the Revised Statutes of 1843; referred to the judiciary committee.

Leave was granted to Mr. Winchell to introduce a petition; which was referred without reading to a select committee.

**Orders of the Day.**

A joint resolution on the subject of pre-emption on the Miami Reservation in the State of Indiana; passed.

A bill for the improvement of highways in the county of Bartholomew; passed.

A bill regulating the mode of doing county business in the county of Harrison; passed.

A bill authorizing the State Bank to lay off a plot of certain land near South Bend; passed.

A bill amending an act incorporating Lawrenceburg, in the county of Dearborn, and Madison, in Jefferson county; passed.

Mr. Osborn gave notice that, on to-morrow, he would offer an amendment to the rules of the Senate, to the effect that at 2 o'clock, each day, the orders of the day should be acted upon.

A bill settling the debt of the Wabash Manual Labor and Teachers' Institute, to the sinking fund of the State of Indiana; aye 40, noes 10.

The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

Thursday, Dec. 31, 1846.

The House met. **Petitions Presented.**

By the Speaker, to form a new county from Davies and Greene; referred to a select committee.

By Mr. Meredith, from Levy Woods and others, to incorporate minor Lodges of Odd Fellows; referred to a select committee.

Mr. Griffin, from Carey S. Goodrich, of Randolph county, to authorize the school commissioner to make a deed in a certain case; referred to a select committee.

By Mr. Noel, from W. Quarles and H. O'Neal, remonstrating against any change in the Marion circuit; referred to a select committee.

By Mr. Dobson, from citizens of Owen, on the subject of confining voters to their own townships; referred to a select committee.

By Mr. Trimble, from 72 citizens of Muncie, to incorporate that town; referred to a select committee.

By Mr. Powell, a petition for a divorce; laid on the table.

By Mr. Miller, for the divorce of Arabella Harrison from her husband; laid on the table.

By Mr. Harlan, from Israel Phillips and others, in relation to confining voters to their respective townships; referred to a select committee.

By the Speaker, from citizens of Knox county, praying the divorce of Nancy James from her husband; laid on the table.

By Mr. Edwards, a petition for a divorce; (not read.)

Also, instructions to a committee; both laid on the table.

By Mr. Wilson, from George Meeker, praying a divorce from his wife; laid on the table.

By Mr. Scott, from the Rev. John Gillespie, of Putnam county, for a divorce from his wife; laid on the table.

Mr. Steinhilber, from citizens of Shelby county, praying a prohibition of retailing of spirituous liquors; referred to the Judiciary committee.

Mr. Stanfield, from the committee on the Judiciary recommended the bill "authorizing deeds in certain cases to be made," to be taken up on the 1st of January.

Mr. Julian, from the same, against the in expediency and the unconstitutionality of forming a new county out of Randolph, Clinton, &c.; concurred in.

Mr. Dunham, from the same, reported back the bill to amend the 4th and 49th sec. of the 2d article of the 29th chap. of the R. S. of 1846, and recommended its indefinite postponement; concurred in.

Mr. Porter, from the same, reported back the bill giving extended jurisdiction to the counties adjoining the Ohio and Wabash rivers over crimes; read the second time.

By Mr. Harvey, from the same, reported a bill authorizing writs of *ne exeat*; read the first time.

Mr. Porter, from the same, reported back the bill in relation to chancery practice, recommended its passage; passed to the third reading.

Mr. Julian, from the same, reported back the bill authorizing changes in action to be subjected to execution by bill in chancery; passed to the second reading.

## HOUSE OF REPRESENTATIVES.

Friday, January 1, 1847.

The House met. **Petitions Presented.**

By Mr. Gilee, from Eli Murry, for compensation for services rendered the State; referred to a select committee.

Mr. Moore, from citizens of Lafayette, to incorporate the Society of Old Fellows.

By Mr. Wolf, from citizens of Sullivan county, remonstrating against a new county.

Mr. Gilee, from the same, reported back the bill to amend the 4th and 49th sec. of the 2d article of the 29th chap. of the R. S. of 1846, and recommended its indefinite postponement; concurred in.

Mr. Porter, from the same, reported back the bill giving extended jurisdiction to the counties adjoining the Ohio and Wabash rivers over crimes; read the second time.

By Mr. Harvey, from the same, reported a bill authorizing writs of *ne exeat*; read the first time.

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Mr. Julian, from the same, reported back the bill authorizing changes in action to be subjected to execution by bill in chancery; passed to the second reading.

Mr. Nofziger, from the same committee, reported back the bill for the relief of Dempsey Linton, of Randolph county; passed to a third reading.

Mr. Hunt, from the same committee, that it was inexpedient to grant appeals from the decision of district trustees to the county board, in the formation of school districts; concurred in.

Mr. Dunham moved that the report be laid on the table; agreed to.

**Reports from Select Committees.**

Mr. Secret reported a bill to vacate certain streets and alleys in Greencastle; read the first time.

Mr. Shields reported back the bill for the relief of David Burr.

Mr. Hamilton reported a bill to change the name of Eliza Ann Camden to Eliza Ann Sidwell.

Mr. Miller reported a joint resolution memorializing Congress to give a grant of funds lying in the Vincennes land district, Gibson county, for the purpose of making a road leading from Owensville, in said county, to the mouth of the Patoka, near Mount Carmel, Illinois.

Mr. Monk reported against legislation on a petition in relation to a change in law.

Mr. Shields, to authorize the election of an additional judge of the peace in Jackson county.

Mr. Colins reported back the bill providing for the election of prosecuting attorneys in each county.

Mr. Arnold reported a bill to incorporate the Columbus Bridge Company.

Mr. Thompson reported amendments to the bill granting divorces.

[Authorizes females to prosecute suits for divorce: free of cost, and requires prosecuting attorneys to assist in obtaining the divorce of a wife.]

Also, a bill in relation to suits brought by physicians.

[A bill gives the defendant, when sued by a physician, the right of pleading in defense that the physician was intoxicated or incapable, when the service was performed.]

Mr. Moore reported a bill to fix the time of holding public courts in Marion county.

Mr. Dunham reported back the bill in relation to a convention to revise the constitution of the State, with several amendments.

Mr. Downing, from the minority, presented a counter report.

Mr. Palmer also introduced a counter report.

Mr. Carr of L. moved that the bill, &c. be laid on the table and made the special order of the day for Monday next.

**Special Orders Introduced.**

By Mr. Parker, that a select committee of five be appointed to inquire into the present condition of the three percent fund.

By Mr. Thompson, instructing the committee on roads to inquire into the expediency of enacting a law making it the duty of the board doing county business in this state, in each county, to locate a State road, in each county, for the purpose of building and repairing bridges not situated in such districts; adopted.

Mr. Stanfield introduced a joint resolution on the subject of the St. Joseph and Missouri Railroad, &c.

By Mr. Lemmons, a joint resolution in relation to selecting seats in the Hall and Senate Chamber.

[The joint resolution provides that they shall be obtained by lot.]

Mr. Miller introduced the following joint resolution: Whereas, the Mexican Government, by armed troops, has been guilty of the most atrocious and wantonly unjustifiable acts, in the invasion of the territory of the United States, and there kill certain American citizens, and menace the lives of many more, thereby committing a crime against the laws of God and man, and the honor of the United States; and whereas, the Congress of the United States has justly and patriotically recognized the existence of said war, and has declared that the Government of the State of Indiana fully approves of the recognition of said war with the Government of Mexico; on the thirteenth of May last, by Congress, and that the efficient manner in which this war has been conducted, by the Executive, our gallant officers, and brave soldiers, fully merits our approbation.

And be it further resolved, That our Senators in Congress be instructed and our Representatives in Congress be authorized to introduce to Congress, a resolution of the war until an honorable peace is fully ratified, and to vote for all necessary appropriations for the same.

Be it further resolved, That his Excellency the Governor be requested to forward by mail copies of this joint resolution to the President of the United States, and each of our Senators and Representatives in Congress.

Mr. Moore moved to indefinitely postpone the joint resolution.

Which motion, after some debate, was withdrawn by him.

The resolution passed to a second reading.

By Mr. Luff, to amend the act on the Butler bill.

By Mr. Stanfield, to secure the rights of stockholders in corporate companies.

By Mr. Jensen, to incorporate the White River Bridge Company.

By Mr. Hall of W., for the protection of Farmers.

[The bill relates to making stock, to prevent their being taken away by dovers.]

By Mr. Luff, to amend certain streets and alleys in the town of Noblesville; read three several times, and passed.

By Mr. Hanna, to improve the Michigan road in Carroll county.

By Mr. Canham, to change the mode of doing probate business; read a second time, and referred.

By Mr. Miller, to allow the probate judge of Dearborn county to take acknowledgments of deeds.

By Mr. Johnson, to amend an act for the opening and repairing public highways in Gibson county.

By Mr. Stanfield to afford a more efficient remedy in actions of trespass.

By Mr. Secret, to amend the act in relation to county officers.

[Relates to county treasurers, &c. issuing fees bills in favor of the State.]

By Mr. Otwell, to amend the provisions of the Revised Statutes in relation to granting an injunction in vacation.

By Mr. Sait, in relation to the mode of publishing the delinquent list in Clinton county.

By Mr. Huff, to amend the Revised Statutes in relation to the persons to be selected for appraisers of the estates of decedents.

By Mr. Hatfield, to incorporate the Greenfield and Shelbyville Railroad Company.

By Mr. Nofziger, for the improvement of common schools.

By Mr. Stanfield, to amend the act regulating proceedings under the writs of *ad quod damnum*.

By Mr. Clark, in relation to roads and highways in Lawrence county; read twice, and referred to the committee on roads.

Also, to extend the jurisdiction of justices of the peace in Lawrence county; read twice, and referred to a select committee.

By Mr. Porter, to legalize the acts of the school commissioner in Harrison county.

By Mr. Arnold, in relation to the county auditor of Bartholomew county.

By Mr. Trimble, dispensing with bailiffs, to grand jurors.

Messages of the Senate were taken up and disposed of.

The House adjourned.

**AFTERNOON SESSION.**

The House met.

Mr. Secret presented a memorial of the trustees of the Indiana Asylum for the insane, praying that the bill in relation to the payment at the falls of the Ohio river being on its second reading.

Mr. Taft moved to amend the bill by increasing the number from one to two.

Mr. Ferguson moved to indefinitely postpone the bill and amendments.

Considerable discussion arose, in which Messrs. Ferguson, Taft, and Clark, all participated.

Mr. Taft's amendment was then adopted; when the bill passed to a third reading.

Mr. Hoteller, on leave, presented a memorial from the trustees of the Wabash College.

On motion of Mr. Secret, the bill to provide for the further improvement of the insane asylum was referred to the committee on benevolent institutions of the State.

Mr. Noel was called to that committee.

Mr. Shields introduced a resolution tending the use of the Hall to Mr. H. F. West to deliver a lecture on common schools.

Mr. Thompson introduced a bill for the relief of L. Q. Debuter, of Dubois county.

On motion, the House adjourned.

**A PRECEDENT.**—It has been urged that General Kearney and Com. Stockton had no right to do as they have done in the California and New Mexico. It seems from the following that they had a precedent thereto.

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